

CITY OF SULPHUR SPRINGS
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MEETING MINUTES
APRIL 21, 2020
5:30 P.M.

Present: Chairman Brad Burgin, Board Member Jay Julian, Board Member Kevin Mohl, Alternate Board Member James Litzler

Absent: Vice-Chairman Matt Johnson, Board Member Kyle Robinson

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development

Others: Susie Dunn, Buddy Dunn, Robert Cote, Jonathan Kennedy

CALL MEETING TO ORDER:

Chairman Brad Burgin called the Zoning Board of Adjustments and Appeals Meeting to order at 5:490 P.M.

DISCUSSION/ACTION ON ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES OF MARCH 17, 2020.

Consider for approval the Zoning Board of Adjustments and Appeals meeting minutes of March 17, 2020. Alternate Board Member James Litzler moved to approve the meeting minutes. Board Member Kevin Mohl seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT TO REQUEST THE RENEWAL OF A PREVIOUS APPROVAL ALLOWING A CARGO SHIPPING CONTAINER TO REMAIN IN PLACE AT 1400 COLLEGE.

The applicant is requesting a renewal of a Special Use Permit per Article 20 to place a cargo/shipping container on the property for secure storage of product for the Texas Animal Health Commission on the nearly four (4) acre site. The container is located on the southwest corner of the site off the edge of the parking lot in an open area near a tree lined/screened area behind the auto repair shop on Shannon Road. It has been located there for the past year and staff has received zero inquiries regarding the container. The Planning and Zoning board recommended the approval of a three year extension. Chairman Brad Burgin moved to approve the request with the approval of a three year time period. Alternate Board Member James Litzler seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT TO PERFORM COSMETIC TATTOOS FOR A NEW STORE CALLED SUSIE Q'S BOUTIQUE AND PERMANENT COSMETICS.

The applicant is requesting a Special Use Permit per Article 20 to perform the act of cosmetic tattooing at 213 Main Street. Robert Cote spoke regarding opening Downtown to tattooing. The state holds both tattooing and cosmetic tattooing as one license. Special Use Permits have been obtained by other salons to do this type of cosmetic tattooing. The applicants in these salons have been issued a SUP to do cosmetic tattooing only. If cosmetic tattooing is approved and it

begins to go outside that scope, it is cause for revocation of the SUP. The applicant will only do cosmetic tattoos, scar covering tattoos, tattoo removal and medical tattoos.

Jay Julian spoke regarding this being either cosmetic or full body it was all under the same license. There is no definition in the ordinance that separates one from the other so each would have to be treated equally. An ordinance splitting one from the other would need a definition for each type. In order to have an ordinance doing this it would have to go before the Planning and Zoning Commission as well as get approval of the City Council. Each request for a Special Use permit is on a case by case basis and at this time can have different stipulations for each. As the salons request SUP applications, it has been specified for cosmetic tattooing only.

Chairman Brad Burgin made a motion to limit it to cosmetic tattooing. Motion failed to gain a second. Board Member Jay Julian made a motion to accept the Special Use Permit as presented noting that ink under the skin is a tattoo no matter if it is the body or face. Motion failed to gain a second. Alternate Board Member James Litzler made a motion to limit it to cosmetic tattooing as recommended by the Planning and Zoning Commission. Chairman Brad Burgin seconded. Members Brad Burgin, James Litzler and Kevin Mohl voted aye and Jay Julian voted nay. It must have four votes for approval and only gained three, therefore, it failed. Chairman Brad Burgin made a motion to approve the request to what the applicant has applied for in her application. Alternate Board Member James Litzler seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A VARIANCE REQUEST TO MODIFY A PREVIOUSLY APPROVED (ZBA CASE#L 91202) DIVISION OF 120 ACRE TRACTS OF LAND FROM 4 TRACTS TO 5 TRACTS.

A variance request was approved in December, 2019, to subdivide 120 acre tract into four lots without having to extend the public utilities to serve those lots. The applicant wants to change the lot lines and create an additional lot. Board Member Kevin Mohl made a motion to approve the request. Board Member Jay Julian seconded. Motion carried, all voting aye.

DISCUSSION/ACTION ON A SPECIAL USE PERMIT TO BUILD, MAINTAIN, AND OPERATE A PRIVATE HANDGUN RANGE AND TRAINING FACILITY FOR SHANNON OAKS CHURCH AT 1113 E. SHANNON RD.

THIS REQUEST WAS REVOKED BY THE APPLICANT ON APRIL 15, 2020.

Board Member Jay Julian made a motion to accept the revocation of the application. Alternate Board Member James Litzler seconded. Motion carried, all voting aye.

ADJOURN

With no further business the meeting was adjourned at 6:21 P.M.